

Per California Code of Regulations, title 2, section 548.5, the following information will be posted to CalHR's Career Executive Assignment Action Proposals website for 30 calendar days when departments propose new CEA concepts or major revisions to existing CEA concepts. Presence of the department-submitted CEA Action Proposal information on CalHR's website does not indicate CalHR support for the proposal.

A. GENERAL INFORMATION

1. Date

2022-07-07

2. Department

California High Speed Rail Authority

3. Organizational Placement (Division/Branch/Office Name)

Program Delivery Office, Real Property Branch, Operations Section (NEW)

4. CEA Position Title

Deputy Director, Real Property Operations

5. Summary of proposed position description and how it relates to the program's mission or purpose.
(2-3 sentences)

Under the general direction of the California High-Speed Rail Authority's (Authority) Director of Real Property, the Deputy Director of Real Property Operations is responsible for policy development, oversight, and administration of the following Real Property Branch (RPB) units in support of Real Property Operations: Property Management, Third-Party Agreements, Land Rights Conveyance, Real Property Information Systems and Reporting, and Real Property Financial Management. The incumbent develops and implements policies governing property management practices; Third-Party Agreements with critical stakeholders; land rights conveyances, including land surveying, Report of Investigations (ROIs) and prior rights engineering activities; and Real Property fiscal management and contracting, data collection and performance reporting. In addition, the incumbent plans, directs, and manages RPB operations units to ensure functions are properly implemented and compliant with applicable laws and regulations. The incumbent provides leadership and direction in establishing business plans, business strategies, program priorities, goals and objectives to contribute to the successful delivery of California's High-Speed Rail (HSR) System.

6. Reports to: (Class Title/Level)

Director of Real Property (Exempt)

7. Relationship with Department Director (Select one)

- ☐ Member of department's Executive Management Team, and has frequent contact with director on a wide range of department-wide issues.
- ☒ Not a member of department's Executive Management Team but has frequent contact with the Executive Management Team on policy issues.

(Explain):

The Deputy Director of Real Property Operations will have frequent communication with Authority executives in the development of business plans, business strategies, program priorities, goals and objectives of the Property Management, Third-Party and Land Conveyance programs, and performance reporting and messaging for RPB activities critical to commencing and completing construction.

8. Organizational Level (Select one)

- ☐ 1st ☐ 2nd ☐ 3rd ☒ 4th ☐ 5th (mega departments only - 17,001+ allocated positions)

B. SUMMARY OF REQUEST

9. What are the duties and responsibilities of the CEA position? Be specific and provide examples.

The Deputy Director of Real Property Operations is the primary policy expert and administrative entity for Real Property Branch operations. The Deputy Director of Real Property Operations guides and organizes staff and consultant resources to ensure functions are properly implemented and compliant with applicable laws and regulations; is responsible for developing and implementing policies; and managing and directing the development of business plans, business strategies, program priorities, goals and objectives for the following RPB operational areas:

Property Management - Oversee all real property management matters to contribute to the timely and effective property management operations in compliance with federal and state laws and regulations; formulate property management policies and oversee the implementation of those policies; ensure coordination of property management activities with other agencies, private consultants, and other entities as appropriate; oversee the planning and establishment of objectives and standards for the performance of property management activities.

Third-Party Agreements - Plan, direct, and oversee the drafting and negotiating of relocation and real estate related agreements with utilities, public entities, and irrigation districts with facilities that conflict with the high-speed rail alignment. Advise other functional areas within the Office of Program Delivery on the consistent application of procedures and best practices in third-party agreement management. Formulate policies reflecting industry best practices related to third-party agreements, and oversee the publishing, maintenance, and application of policy and procedural guides for use across all functions within the Office of Program Delivery.

Land Rights Conveyance - Oversee the engineering staff responsible for addressing property issues on the 800-mile route for the entire high-speed rail system, which involves thousands of complex industrial, residential, commercial, and railroad properties. Formulate policies and implementation plans and procedures for those policies to ensure land conveyances are completed efficiently and timely to optimize construction schedules and mitigate costly risks of construction schedule impacts for current and future construction packages. Advises the Director of the Real Property on legislation and statutes related to land rights conveyance activities. Coordinates the monitoring, expediting, and tracking of all activities related to the construction of High-Speed Rail project in the following programs: utility relocations, land surveying, right of way utility engineering design coordination, right of way engineering contract procurement and management.

Real Property Information Systems & Reporting - Oversee the management of RPB information and reporting activities. Develop and implement policies governing data collection and the maintenance, monitoring, and reporting of specific real property data to ensure accuracy, confidentiality, and timely organization of complex technical data that is critical to tracking actions necessary to plan and deliver right-of-way prior to commencing construction, and to monitor for project schedule impacts. Develop key performance reporting of real property activities for the Authority Executives, Board of Directors, and the public.

Real Property Financial Management - Plan, direct, and oversee the development and monitoring for multiple fiscal year budgets for the RPB, including right-of-way settlement funding. Oversee the development and monitoring of multiple fiscal year budgets for the High Speed Rail Property Fund (9331), and develop policies to govern expenditures from the Fund. The Deputy Director of Real Property Operations financial management duties are distinctly different than the oversight of specific contract budgets performed by the RPB Deputy Director, Real Property Delivery & Policy.

B. SUMMARY OF REQUEST (continued)

10. How critical is the program's mission or purpose to the department's mission as a whole? Include a description of the degree to which the program is critical to the department's mission.

- ☒ Program is directly related to department's primary mission and is critical to achieving the department's goals.
- ☐ Program is indirectly related to department's primary mission.
- ☐ Program plays a supporting role in achieving department's mission (i.e., budget, personnel, other admin functions).

Description: The RPB Operations Section is critical to the success of the RPB, and by extension, to the Authority's mission. Specifically, over the next 12-18 months the entire 520-mile Phase 1 system between San Francisco and Los Angeles/Anaheim will be environmentally cleared. This clearance will enable the Authority to advance design and develop pre-construction strategies for Right-of-Way acquisitions and utility relocations. These pre-construction activities are absolutely critical to the success of the related construction contracts and requires the RPB Operations Section to prepare and monitor budgets and contracts for all RPB activities, survey land, negotiate third party agreements with utilities, and conduct land conveyances of the thousands of complex industrial, residential, commercial, and railroad properties required to initiate the laying of track from San Francisco to Los Angeles/Anaheim. If these activities are not successfully performed, construction cannot begin or finish on time and within the capital budget. Further, as the Authority acquires more property across the 520-mile Phase 1 system, the Authority must be responsible for all property not undergoing construction, including urban and rural residential, commercial, and agricultural properties that require regular maintenance to ensure compliance with applicable laws and regulations, as well as to foster positive relationships with the public that are essential to community goodwill for the high-speed rail project.

Recognizing the criticality of this position to oversee RPB operations, the CEA position was approved by the Department of Finance as part of the State of California's Budget Act for Fiscal Year 2020-2021, "Form-to-Function" reorganization of the Authority. This "Form-to-Function" reduces the Authority's reliance on a consultant cadre and replaces them with state staff. As a result of this reorganization, this new CEA was established and will result in moving the project forward with greater state leadership and focus on property management, land conveyance, and negotiating agreements.

B. SUMMARY OF REQUEST (continued)

11. Describe what has changed that makes this request necessary. Explain how the change justifies the current request. Be specific and provide examples.

The Deputy Director of Real Property Operations is needed to replace a consultant deputy director position and ensure state oversight of expanding workload as the Authority moves toward right-of-way activities in new geographic segments of the high-speed rail system.

The Authority has been an "integrated project team" in which consultants and state staff work on integrated teams. Historically, the RPB had two positions that served as deputies over different areas of RPB - one that was a state employee and one that was a consultant. However, the Authority conducted an enterprise-wide review of positions to identify if consultants and state staff were performing the appropriate types of work to ensure proper oversight of consultant work. This "Form to Function" review resulted in the consultant deputy position in RPB being identified as more appropriately performed by a permanent state employee as the new Deputy Director of Real Property Operations. To that end, the Authority submitted a Budget Change Proposal (BCP) with the May Revision of the Fiscal Year (FY) 20-21 budget. The request included a transition from consultant resources to state staff for multiple positions. The BCP was approved as budgeted and was authorized with the enactment of the State of California's Budget Act for Fiscal Year 2020-2021. As a result, this position allocation is necessary for the Authority to implement the change required by the passage of the Act.

Additionally, workload is expanding in RPB operations and the role of the Deputy Director of Real Property Operations is more necessary than ever to ensure appropriate oversight and leadership as the Authority drives forward on preparing for construction in new geographic segments of the high-speed rail system. Five additional railway segments have been approved since 2021 to expand the high-speed rail system from the current 119 miles under construction in the Central Valley to nearly 400 miles of contiguous high-speed rail from San Jose to Palmdale. This additional mileage to the system will require the Deputy Director of Real Property Operations to establish high volumes of third party agreements, manage thousands of new properties, oversee potentially thousands of land rights conveyances, develop additional performance reports and oversight of a large increase in real property data, oversee a high volume of public interactions on issues related to right-of-way, and financial management of high volumes of right-of-way settlements and increased special funding.

C. ROLE IN POLICY INFLUENCE

12. Provide 3-5 specific examples of policy areas over which the CEA position will be the principle policy maker. Each example should cite a policy that would have an identifiable impact. Include a description of the statewide impact of the assigned program.

The Deputy Director of Real Property Operations is responsible for developing and implementing policies associated with property management, Third-Party agreements, land surveying, land rights conveyance, information systems and reporting, and RPB budgets and contracts.

Property Management - Formulate property management policies and oversee the implementation of those policies to ensure property management practices are in compliance with federal and state laws and regulations. Further, policies must support and guide property management practices and activities that are consistent and conducted in a fair and reasonable manner.

Third-Party Agreements - Formulate policies reflecting industry best practices related to third-party agreements, and oversee the publishing, maintenance, and application of policy and procedural guides for use across all functions within the Office of Program Delivery.

Land Rights Conveyance - Formulate policies and implementation plans and procedures for those policies to ensure land conveyances are completed efficiently and timely to optimize construction schedules and mitigate costly risks of construction schedule impacts for current and future construction packages.

Real Property Information Systems & Reporting - Develop and implement policies governing data collection and the maintenance, monitoring, and reporting of that data to ensure accuracy, confidentiality, and timely organization of complex real property data that is critical to tracking actions necessary to plan and deliver right-of-way prior to commencing construction and to monitor for project schedule impacts.

Real Property Financial Management - Develop policies that govern the High Speed Rail Property Fund (9331) expenditures to ensure the fund is used in accordance with state statute and for the greatest benefit to the Authority.

C. ROLE IN POLICY INFLUENCE (continued)

13. What is the CEA position's scope and nature of decision-making authority?

The Deputy Director of Real Property Operations has responsibility directly to the Director of Real Property and is a key management member of the Authority. This position advises the Authority's executives on real property activities to ensure the following functions and related policies are developed and implemented appropriately and in the best interest of the Authority:

Property Management - Direct and oversee the management of hundreds of properties, including collaborate cross-functionally with Program Delivery directors to evaluate potential use for properties and sales of properties as part of the Land Use Master Plan.

Third-Party Agreements - Direct and oversee the Third-Party Section to ensure programmatic consistency between third party agreements with respect to both legal and commercial terms. Develop policies related to third-party agreements. Publish and manage policy and procedural guides for use across all Project Delivery Pillars, reflecting industry best practices. Communicate, negotiate, and coordinate with the Authority's numerous third-party stakeholders and internal functional areas to ensure consistent application of procedures in developing and finalizing agreements.

Land Rights Conveyance - Direct and oversee coordination with third party utilities to complete land rights conveyances necessary to allow construction to proceed.

Real Property Information Systems & Reporting - Direct and oversee the development of information systems and reporting, including key performance indicators. Determine appropriate IT solutions and procedures for meeting the Real Property Branch and overall Authority needs for maintaining and reporting a variety of sensitive information relative to the appraisal, acquisition, and maintenance of real property.

Real Property Financial Management - Direct and oversee the development and monitoring of the Real Property Branch budgets. In consultation with Real Property subject matter experts, determine budget allocations for contracts, property acquisition, and property management activities.

14. Will the CEA position be developing and implementing new policy, or interpreting and implementing existing policy? How?

The Deputy Director of Real Property Operations will develop and implement new policies as needed for RPB budget development and management for multiple funding sources; contract management and consultant performance management; information systems and reporting practices (e.g., data collection and integrity, protection of personal identifying information) to ensure accuracy, confidentiality, and timely data organization for time-sensitive RPB operations; property management practices; Third-Party agreement best practices; land surveying practices; and land rights conveyance practices to ensure efficient and timely completion to optimize construction schedules and mitigate risks for increased costs. Further, the Deputy Director of Real Property Operations will interpret and implement existing policies relative to the RPB operations listed above to build over 800 miles of the high-speed rail system and to develop and inform management of multi-billion design build contracts.